

The symbols of the European Union – Introduction

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Introduction

Every social group and every organised political society acquires the symbols (or signs) it needs to identify, distinguish and represent itself. As we know, the term ‘symbol’ comes from the Greek ‘συμβάλλω’ (to bring together, to cause to coincide) which gives ‘σύμβολον’, made up of ‘σύν’ (together) and ‘βάλλω’ (throw). Literally, it is the token of recognition formed by the detached part of a severed wooden, ceramic or metal object that perfectly fits the remainder. A symbol, therefore, acts as a means of identification, as a sign of recognition between people or among the members of a social group.

Nowadays, a symbol is usually taken to be a sign that, when perceived, reflects something else, to which it is linked by an ontological or merely conventional relationship, and that may in some ways stand for it or make it intuitively recognisable. In other words, when an image, or a set of letters (abbreviation), a word or a phrase, a sound or a musical melody has an evocative meaning, it is a symbol. The meaning of whatever the symbol portrays therefore has to be recognised in order to evoke something intangible in the mind of the person looking at, hearing or using that symbol. A symbol generally portrays a sign, an image or a subject representing something else with which it is connected.

The political symbols of a State (flag, emblem, motto, anthem, currency, national public holiday) therefore clearly serve to identify it.

They crystallise national identity by making it tangible; in other words, they codify the subjective nature of the nation. The nation is an invisible concept and so has to be symbolised if it is to be seen and acclaimed if it is to be loved. It is precisely in this way that the symbol provides identity: it shows citizens what is theirs and generates loyalty, *affectio societatis*, to the sign representing the nation. The use of symbols, therefore, has a unifying and federating power.

When they sing the same anthem, honour the same flag, use the same currency or celebrate the same public holiday, citizens are all sharing a common sentiment. Every political symbol is a tangible sign of identity codifying the shared values that the symbol represents and that are generally detailed in a constitution.

As in the case of nations, political symbols serve an identifying function for the European Union as well. They are the external signs of that constitutional patriotism — as defined by

Jürgens Habermas, to be precise — through which European citizens, aware of their belonging, can be influenced to set aside their differences and act in the common public good and, therefore, to perceive the European Union as their home or *Heimat*.

In this sense, symbols may help to consolidate the fledgling European *demos*. They should undoubtedly not do so in opposition to national *demos* but as a distillation of the specific shared values of a highly integrated area such as the European Union. The Community methods and participative democracy launched by the Constitutional Treaty could help the European Union to emerge as a new post-national political system based precisely on shared values, where the national interest coincides with the European interest. Political symbols such as the flag, the anthem, the motto, the currency and Europe Day may therefore contribute, by creating emotive images and rites, even subliminally, towards making the European Union more legitimate in the eyes of its citizens and help them to identify with the plan for a common destiny. In other words, they help to construct a political identity, so that a set of values that identify us as belonging to the same community are felt to be binding.

Among the Union's symbols mentioned in Article I-8 of the Constitutional Treaty, the flag with 12 golden stars on a blue background, the Ode to Joy from Beethoven's Ninth Symphony (symbols that the Community took over from the Council of Europe) and 9 May as Europe Day are already part of the tradition of the Community and the Union, but have never been set out in provisions of primary law; the euro is the common currency of those Member States taking part, without derogations, in the third phase of European economic and monetary union. Over and above their constitutionalisation, the motto therefore seems to be the only new symbol introduced by the Constitutional Treaty.

As mentioned, the founding treaties of the European Communities and the European Union contain no provisions on the flag, the motto, the anthem or Europe Day. As the treaties are silent on the subject, the institutions have had to use their powers of self-organisation to adopt those measures needed to ensure the functioning of the Communities and the Union and to pursue the objectives that the treaties have assigned to the institutions. If a body is to pursue its objectives it may well need to acquire symbols that can identify it as an organisation with autonomy, capacity and legal personality.

Article I-8 of the Constitutional Treaty, headed 'The symbols of the Union', as well as introducing the new motto, provides the symbols with a sound basis. Their inclusion in the Constitution obviously makes the provisions on them inflexible. If it were wished, for instance, to change the design of the flag or the music of the anthem or the date of Europe Day, the revision procedure set out in this Treaty would have to be used. It should

nevertheless be borne in mind that Article I-8, like similar provisions in some national constitutions, in no way makes the symbols, and the flag in particular, into constitutionally protected legal property. In the Union's legal order, as in domestic law, the symbols will have to be protected by implementing provisions to be adopted by the Union and enforced by the Member States. Even if the Union did not act, the Member States would nevertheless have to provide for effective protection of the symbols, especially the flag, in their own areas of jurisdiction, given their duty of constitutional cooperation set out in Article I-5 of the Constitutional Treaty and as already incumbent upon them under Article 10 (formerly 5) of the EC Treaty, which sanctions the general principle of loyal cooperation between the Member States and the European Community. According to this principle, the Member States must in practice comply with measures decided by the Community institutions when exercising their power of self-organisation and, in particular, allow the European flag to be flown from their buildings.